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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Mag. Case No. **'07 MJ 8994**
Plaintiff,)
v.) COMPLAINT FOR VIOLATION OF:
Alejandro CASTRO-Venegas) Title 8, U.S.C., Section 1324 (a)(1)(A)(ii)
Defendant.) Illegal Transportation of Aliens
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about December 16, 2007, within the Southern District of California, defendant Alejandro CASTRO-Venegas with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Heliodoro DE LOS SANTOS-Vasquez, Paulino CASTANEDA-Lopez, and Clemente HERNANDEZ-Cruz had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference. *[Handwritten mark: 1 C 5]*

Marco A. Miranda
Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 18th DAY OF
DECEMBER 2007.

PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA
2 v.
3 Alejandro CASTRO-Venegas

4 STATEMENT OF FACTS
5

6 The complainant states that this complaint is based upon statements in the investigative
7 reports by the apprehending agent, A. Fernandez that on December 16, 2007, the defendant,
8 Alejandro CASTRO-Venegas a Mexican citizen, was apprehended near Calexico, California, as
9 the driver of a 1989 Plymouth Voyager van bearing California license 5ZTJ651, as he smuggled
10 fifteen (15) undocumented aliens from Mexico, in violation of law.

11 While traveling on the eastbound lanes of Interstate 8, Agent Fernandez observed a van
12 parked on the shoulder of the eastbound lanes and a Chevrolet Pick up that was parked south of
13 the van. Agent Fernandez observed a group of individuals that were running from the pick up
14 towards the van. The parked van entered the eastbound lanes of Interstate 8. After traveling for
15 approximately one quarter mile the van suddenly stopped. The driver's side door opened and a
16 male individual later identified as Alejandro CASTRO-Venegas exited the van and ran south.

17 Agent Fernandez approached the van and identified himself as a United States Border
18 Patrol Agent. Agent Fernandez questioned the suspected illegal aliens as to their immigration
19 status. They all stated that they were citizens and nationals of Mexico without proper
20 immigration documents. All subjects were placed under arrest.

21 Agent Plooy who was near the area apprehended CASTRO as he attempted to flee south
22 into Mexico. Agent Plooy identified himself as a United States Border Patrol Agent and
23 questioned CASTRO as to his immigration status. CASTRO stated that he was a citizen and
24 national of Mexico without proper immigration document. CASTRO and the fifteen passengers
25 were transported to the Calexico Station for further processing.

26 At the station, CASTRO was advised of his Miranda rights in the Spanish language.
27 CASTRO acknowledged understanding his rights and was willing to answer any questions
28 without an attorney present. CASTRO told agents he was going to pay \$2,800 to be smuggled to
29 Los Angeles, California. CASTRO also stated that the smuggler told him that he would get paid
\$50 per alien if he drove the van. CASTRO stated that he told the aliens to get down while he
was driving. CASTRO said he saw a Border Patrol vehicle with lights through his rear view

1 mirror and he stopped. CASTRO said that he exited the van and ran towards Mexico, but was
2 arrested by Border Patrol.

3 Material Witnesses Paulino CASTANEDA-Lopez, Heliodoro DE LOS SANTOS-
4 Vasquez, and Clemente HERNANDEZ-Cruz stated they are citizens of Mexico illegally in the
5 United States. CASTANEDA, DE LOS SANTOS, and HERNANDEZ stated they all made
6 arrangements to pay \$2,000.00 to be smuggled into the United States. CASTANEDA, DE LOS
7 SANTOS, and HERNANDEZ stated they crossed illegally aboard a pick up truck that was
8 driven across the United States/Mexico International border.

9 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Paulino CASTANEDA-Lopez	Mexico
Heliodoro DE LOS SANTOS-Vasquez	Mexico
Clemente HERNANDEZ-Cruz	Mexico

14 Further, complainant states that Paulino CASTANEDA-Lopez, Heliodoro DE LOS
15 SANTOS-Vasquez, and Clemente HERNANDEZ-Cruz, are citizens of a country other than the
16 United States; that said aliens have admitted that they are deportable; that their testimony is
17 material, that it is impracticable to secure their attendance at the trial by subpoena; and they are
18 material witnesses in relation to this criminal charge and should be held or admitted to bail
19 pursuant to Title 18, United States Code, Section 3144.